

Attorney Docket No: IDF 1398 (4000-00700)

Patent

REMARKS***Status of Claims***

Claims 1-20 are currently pending in this application. Claim 1 has been amended.

Request for Reconsideration and Withdrawal of Finality of Office Action

Applicants respectfully request that the Examiner reconsider and withdraw the finality of the office action mailed September 24, 2004. Respectfully, the Examiner erroneously states that Applicants' amendment necessitated the new ground(s) of rejection presented in the September 24, 2004 office action. Applicants respectfully bring to the Examiner's attention that claims 1-18 are original and have not been amended. Thus, the Examiner's decision to perform additional searching and supplement the § 103 rejection on the basis of newly cited art (i.e., *Priven*) was not necessitated by Applicants' amendment, but rather was the Examiner's decision based upon a realization of the insufficiency of the previous § 103 rejection that was based in part on "Official Notice" rather than prior art. Therefore, Applicants respectfully request reconsideration and withdrawal of the finality of the office action. In the event that the Examiner elects to maintain the finality of the rejection, Applicants respectfully request a reasoned statement as to the basis for maintaining finality.

Response to Examiner's Comments in Paragraph 24 of the Office Action

In response to the Examiner's comments that the features upon which Applicants rely are not recited in the rejected claims, Applicants have amended independent claim 1 to recite that the method provides for efficient reuse of programming code and platform independence by encapsulating the batch job and providing a uniform application programming interface for an

Attorney Docket No: IDF 1398 (4000-00700)

Patent

application processing the batch job according to the method. Applicants respectfully submit that such amendment distinguishes the pending claims from the art of record (including newly cited *Priven*) for the following reasons.

Response to Prior Art Rejection

Claims 1-6 stand rejected under 35 USC 103(a) as obvious over *Klein* (US 5,835,763) in view of *Priven* (US 5,327,559); claims 7-18 stand rejected under 35 USC § 103(a) as obvious over *Klein* in view of *Priven* and in further view of *Swartz* (US 6,625,651); and claims 19 and 20 stand rejected under 35 USC § 103(a) as obvious over *Klein* in view of *Priven* and in further view of *Panikatt* (US 6,349,333). Applicants respectfully submit that the art of record does not establish a *prima facie* case of obviousness as to the pending claims. According to MPEP 2142, three basic criteria must be met to establish a *prima facie* case of obviousness:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The Examiner has failed to establish a *prima facie* case of obviousness as *Klein*, alone or in combination with *Priven*, *Swartz*, or *Panikatt* (assuming for the sake of argument that such is proper), does not teach or suggest all of the claim limitations.

Attorney Docket No: IDF 1398 (4000-00700)

Patent

Klein, the primary reference, discloses a method for a computer operating in a non-threaded (i.e., synchronous) environment to process batch jobs in a threaded (i.e., asynchronous) manner, which is achieved via a complicated threading and queuing array as shown in Fig. 1 of *Klein*. Thus, *Klein* discloses the asynchronous processing of batch jobs (see e.g., col. 3, lines 12-15), meaning that an application can effectively have multiple batch jobs running at the same time and thereby efficiently use computing resources.

In contrast, Applicants' claimed invention does not relate to the conversion of synchronous processing of batch jobs to asynchronous processing of batch jobs. Instead, Applicants' claimed invention relates to efficient reuse of programming code and platform independence by encapsulating a given batch job and providing a uniform application programming interface (API) for applications processing the batch job (see e.g., page 1, line 19 to page 2, line 2).

In order to further demonstrate the differences between Applicants' claimed invention and *Klein*, Applicants provide herewith Exhibit A showing a hypothetical combination wherein Applicants' claimed invention as illustrated by Fig. 2A and page 3, lines 7-8 of the specification is used with the asynchronous conversion method disclosed by Fig. 1 of *Klein*. The thread enabling layer 12 of *Klein* may process a batch job directly, as shown by thread 26 calling batch job 18. Alternatively, the thread enabling layer 12 may process a batch job via the encapsulation functionality provided by Applicants' claimed invention, as shown by thread 25 invoking batch framework 10 to process batch job 15. In an embodiment where the *Klein*'s synchronous to asynchronous conversion functionality is not needed, an application 20 can directly invoke batch framework 10 to process batch job 15. As is clearly shown by Exhibit A, *Klein* discloses

Attorney Docket No: IDF 1398 (4000-00700)

Patent

complimentary functionality which may be used in combination with, rather than in place of, Applicants' claimed invention.

In view of the fundamental differences between *Klein* and Applicants' recited invention as explained above, it should be readily apparent that *Klein*, alone or in combination with the secondary references, does not teach or suggest all of the recited claim limitations. Applicants note with appreciation the Examiner's acknowledgement that *Klein* does not teach using classes to dispatch batch jobs. The use of a class comprising a method to execute the batch job is fundamental to the architecture and functionality of Applicants' claimed invention, and the absence of such an important element cannot be readily dismissed. *Klein* does not teach or suggest the use of a class comprising a method to execute the batch job – in contrast, *Klein* employs a complicated array of threads and queues to achieve an entirely different purpose, namely the conversion of synchronous processing to asynchronous processing. In fact, *Klein* does not even contain the term “class” anywhere in the specification. The Examiner points out that *Klein* teaches a method to execute a batch job, but such a method is employed in the overall thread/queue architecture and in now way relates to using classes to dispatch batch jobs. The Examiner further asserts that *Klein* teaches using object in object-oriented programming, but Applicants respectfully traverse that *Klein* can reasonably be interpreted as teaching such, and certainly not in the context of Applicants' claimed invention. Specifically, the Examiner relies on col. 10, lines 10-11, which reads:

PgmObj—This input parameter defines the name of a CL command, or a program object, that the thread will act on.

Attorney Docket No: IDF 1398 (4000-00700)

Patent

Facially, this isolated passage is woefully inadequate in establishing that *Klein* teaches or suggests each and every element of Applicants' claimed invention. This passage teaches nothing regarding the use of a class comprising a method to execute a batch job, and the Examiner provides no explanation as to how this passage teaches or is equivalent to any of the elements recited in Applicants' claims. Furthermore, this passage does not provide a requisite suggestion or motivation to alter the fundamental thread/queue architecture of *Klein* to arrive at Applicants' claimed invention.

Likewise, the Examiner's reliance on *Priven* does not make up for the deficiencies of the primary reference, *Klein*. Assuming for the sake of argument that *Priven* teaches that it is well known to use object oriented programming with classes and an API to dispatch the batch jobs, such general disclosure does not teach or suggest the specific recited combination in Applicants' claims, nor does it provide the requisite suggestion or motivation to alter the fundamental thread/queue architecture of *Klein* to arrive at Applicants' claimed invention. Finally, *Klein*, alone or in combination with *Priven*, does not teach or suggest a scheduler or its recited functionality of invoking the batch framework according to a predetermined schedule.

In summary, Applicants respectfully submit that fundamental differences exist between *Klein* and Applicants' claimed invention and that important elements recited in Applicants' claims are completely absent from and not suggested by the disclosure of *Klein*. Therefore, Applicants respectfully submit that *Klein*, alone or in combination with *Priven*, does not establish a *prima facie* case of obviousness as to independent claim 1. Given that claims 2-20 depend from claim 1, the deficiencies of the primary reference, *Klein*, as described previously, likewise

Attorney Docket No: IDF 1398 (4000-00700)

Patent

preclude a *prima facie* case of obviousness as to claims 2-20 in view of *Klein*, alone or in combination with the secondary references, *Priven*, *Swartz*, and/or *Panikatt*.

Attorney Docket No: IDF 1398 (4000-00700)

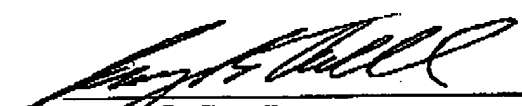
Patent

CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by Applicants. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Final Office Action dated September 24, 2004 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 21-0765, Sprint. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,

Date: 11-23-04
Rodney B. Carroll
Reg. No. 39,624

ATTORNEY FOR APPLICANTS

CONLEY ROSE, P.C.
5700 Granite Parkway, Suite 330
Plano, Texas 75024
(972) 731-2288
(972) 731-2289 (facsimile)